

2018 APAAC ANNUAL ADMINISTRATIVE PROFESSIONAL CONFERENCE

August 17, 2018
Maricopa County Security Building
Phoenix, Arizona



EXTRADITION: THE HOW, WHAT, & WHERE

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Distributed By:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
1951 West Camelback Rd., Suite 202
Phoenix, Arizona 85015

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To Waive or Not to Waive?

A.R.S. 13-3865.01 Requisition/Governor's Warrant

Defendant's Choices:

1. Waive extradition to demanding state:
 - becomes non-bondable
 - reasonable time to take custody (30 days)
2. Don't waive: formal extradition:
 - 90 days to obtain governor's warrant.
 - opportunity to file writ of *habeas corpus*,
 - Reasonable time to take custody.



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GOVERNOR'S REQUISITIONS

Used when a defendant is in a city or county jail *outside* of Arizona
untried charges, sentencing or probation violation

Accompanying Documents*:

- ☐ Application for requisition
- ☐ Certified indictment (information or direct complaint and probable cause affidavit signed by a magistrate)
- ☐ Certified warrant
- ☐ Fingerprints and/or photo and photo affidavit
- ☐ Statutes
- ☐ Submit 4 original packets to state extradition officer

* See Examples at the end of the presentation



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Fugitive is in Custody on a Reservation in Arizona

- Reservations are *outside* the jurisdiction of Arizona – for all purposes, including Rule 8
- Process – Is there a treaty? Depends upon the Tribe
- Contact Reservation Prosecutor for questions



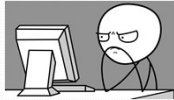
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EXECUTIVE AGREEMENTS

A.R.S. §13-3870

- Probation Violations when imprisoned out of state*
- Used to resolve detainers from or to non-signatory states, (Louisiana & Mississippi), along with formal extradition request
- Death penalty cases
- Some Indian Reservations (A.R.S. §13-3869)

* Remote hearings may be in the future (I.S.C. Rule 5.101-2)



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EXECUTIVE AGREEMENTS

- Accompanying documents for Packet:
 - Application for requisition
 - Complaint/indictment
 - Plea agreement
 - Sentencing minute entry
 - Petition to revoke
 - Warrant
 - Prints & photo or photo with affidavit
- 4 original packets should be sent to the AZ extradition officer



Include a cover sheet referencing
"Executive Agreement"

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Interstate Agreement on Detainers (IAD)

Imprisoned in a Different State Prison

Art. III - Inmate requests disposition of
untried charges Forms I-IV:

Form I - Notice/right to request disposition
Form II - Notice of place of imprisonment
Form III - Certificate of inmate status
Form IV - Offer to deliver temporary custody



180-day time limitation to start trial begins when forms have been
received - **notify trial attorney.**

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IAD, Continued

Art. IV – Prosecutor Initiated

- Form V - Request for Temporary Custody
- Form VI - Evidence of Agent's Authority
- Form VIII - Prosecutor's Acceptance of Temporary Custody (used when more than one AZ county has a detainer)
- Form IX - Prosecutor's Report of Disposition of Charges include a copy of the minute entry



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Time Limits


- Under the IAD, trial must commence within 120 days of defendant's arrival in requesting state or 180 days or receiving IAD Forms II-IV (subject to dismissal w/ prej.)
- Rule 8.3 (a): trial must commence within 90 days of arrival (subject to dismissal w/o prej.) Applies to federal prisoners & other states.
- Prisoner must be returned to sending state as soon as possible after sentencing.
- All applicable time limits are in effect.
- Note time limits for trial attorney in log.



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WRITS AD PROSEQUENDUM

- Used to obtain custody of prisoner from U.S. Marshall custody, federal prison or ICE
- Much faster and more efficient than IAD, also does not involve time limits
- Can use IAD with federal prison if detainer placed (but why would you?)
- If detainer is already placed, simply contact prison and remove it - then send writ
-  Ask your S.O. to never place a detainer with a federal facility

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WRITS

Untried Charges

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

Probation Violation

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

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Writs, Continued

USMS - Untried Charges

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

ICE - Untried Charges

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.

Case No. [Case Number]

IN THE SUPREME COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,
vs.
[Name],
Defendant.


Case No. [Case Number]

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Governor Requisition - Untried Charges

(Click on PDF below to see all documents)


Harris County Sheriff's Office
P.O. Box 12000
Houston, Texas 77255

Date: June 15, 2018

To: [Name]
[Address]
[City, State, Zip]

From: [Name]
[Address]
[City, State, Zip]

Subject: [Subject Line]

This requisition is for the arrest of the following named individual. The individual is being arrested on a warrant issued by the State of Texas, County of Harris. The individual is being arrested on a warrant issued by the State of Texas, County of Harris. The individual is being arrested on a warrant issued by the State of Texas, County of Harris.

Arrested on: [Date]

Arrested by: [Name]

Arrested at: [Location]

Arrested for: [Charge]



If you have any questions regarding this requisition, please call the Harris County Sheriff's Office at (713) 774-1000.

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IAD

Art. III – Inmate Initiated Art. IV – Prosecutor Initiated

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For More Information:

Questions about paperwork, copies of this presentation, templates and or NAEO presentations, please contact:

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Names and Contact Information

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